

**TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
September 28, 2021**

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, September 28, 2021 via hybrid meeting. Mayor Royce D. Pindell called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

Mayor: Royce D. Pindell

Trustees Present: Kevin Barden
Darvin Harrell
Whitney Oakley
Denice Smith
Donna Sus
Larry Vittum

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Taeler Houlberg, *Assistant to the Town Administrator*
Alison Belcher, *Assistant Communications Director*
Sara Aragon, *Community Development Manager*
Robin Price, *Public Works Director*
Ricky Martinez, *Assistant Public Works Director*
Adam Meis, *Finance and Technology Coordinator*
Steve King, *Special Projects Coordinator*
Dan Giroux, *Town Engineer*
Melinda Culley, *Town Attorney*
Gabrielle Renner, *Town Traffic Engineer*
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Abbie Foley, Denise Aten, Derrick Webb, Lindsay Lierman

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce D. Pindell.

3. APPROVAL OF AGENDA

MAYOR PRO TEM HARRELL MOVED, TRUSTEE VITTUM SECONDED to approve the agenda as presented.
The voting was as follows:

YES: Harrell, Oakley, Pindell, Smith, Sus, Vittum

NO: None

Mayor Royce D. Pindell declared the motion carried by unanimous vote.

4. CONSENT AGENDA

TRUSTEE VITTUM MOVED, MAOR PRO TEM HARRELL SECONDED to approve the consent agenda as presented.

YES: Oakley, Pindell, Smith, Sus, Vittum, Barden, Harrell

NO: None

Mayor Royce D. Pindell declared the motion carried by unanimous vote.

A. Action: Approval of September 14, 2021 Regular Meeting Minutes

B. Action: Approval of Resolution No. 886-21

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments presented.

5. REGULAR BUSINESS

A. Action/Discussion

1. Court Appointed Special Advocate (CASA) of Adams & Broomfield Counties

Trish Stiles, Town Administrator, reported to the Board of Trustees, CASA is a volunteer-based, nonprofit organization that recruits, trains and supervises community volunteers, to establish stable relationships and advocate in court for children who have experienced abuse and neglect.

In 2020, there were 5 children in the Town of Bennett involved in a Dependency & Neglect case through the court system. Due to a lack of funding, awareness, and resources, the CASA Program was only able to serve 1 of these children.

Ms. Stiles introduced Abbie Foley, Associate Development Director and Lindsay Lierman, Chief Executive Officer, of CASA, to the Board of Trustees. The CASA program needs to increase awareness, recruit more volunteers and raise more funds to serve more children. The mission of CASA of Adams & Broomfield Counties is to provide specially selected and trained community volunteers, to advocate for abused and neglected children in the pursuit of safe and permanent homes. The CASA volunteers are a voice for the child and the "eyes and ears" for the Judge.

TRUSTEE SMITH MOVED, TRUSTEE BARDEN SECONDED to AUTHORIZE THE Town Administrator to sign the Letter of Understanding between the Town of Bennett, Colorado and CASA of Adams and Broomfield Counties. The voting was as follows:

YES: Pindell, Smith, Vittum, Barden, Harrell, Oakley

NO: Sus

Mayor Royce D. Pindell declared the motion passed 6 to 1.

2. Request for Proposal (RFP) 21-007 – Transportation Master Plan Contract

Trish Stiles, Town Administrator, reported to the Trustees, The Town of Bennett recognizes that a transportation master plan (TMP) for the community is a needed planning tool and it has been identified as a short-term catalyst action in the updated draft of the 2021 Town of Bennett Comprehensive Plan. This TMP will be the first of its kind for the Town of Bennett, building on the Town's PEL study from HWY 79, the Access Control Plan (ACP) for HWY 79 and transportation priorities from the Town's Capital Asset Inventory and Master Plan (CAIMP). Goals for the TMP are to assess current and future transportation planning needs, seek public input to address opportunities for future transportation needs and produce a transportation plan in both an executive summary format and GIS format to incorporate into CAIMP.

The purpose of the project is to create a TMP that is community-supported and guides future development and redevelopment of the community's transportation network. Additionally, the TMP should attempt to find solutions to some of the existing issues within the transportation network. It will also aid in guiding the Town's policy development, delivery of services, prioritization of transportation projects, outline opportunities and generate a strategic action plan for the next ten years.

RFP 21-007 sought solicitations for consultants with expertise in multimodal transportation planning, design, land use policy and community engagement to submit a proposal that embodied innovative and industry best practices to complete the project.

The Town of Bennett received four RFP responses and proposals:

Company	Bid
Bohannon and Huston	\$99,865
JR Engineering/Norris Design	\$99,470
KLJ Engineering	\$99,573.02
Mead and Hunt	\$99,900

Town of Bennett Staff and Consultants assessed the proposals and interviewed all four firms. The objective was to select a firm based on the total amount of items able to be completed and outcomes from the interviews with the review team to ensure maximum partnership, support and fit.

The review team consisted of Trish Stiles, Town Administrator; Daymon Johnson, Director of Capital Projects; Steve Hebert, Planning and Economic Development Manager; Dan Giroux, Town Engineer and Peter Kozinski, Town Traffic Engineer.

All proposals received showed that the list of items for the TMP could be achieved within the allotted budgets. All the proposals were very similar in nature and projected outcomes and all firms were clearly capable of completing the work.

After interviewing, the review team made a decision based on past Bennett experience, local presence, CDOT experience and similar experience with other TMPs.

TRUSTEE VITTUM MOVED, TRUSTEE OAKLEY SECONDED to authorize the Town Administrator to enter into a contract with Bohannon and Huston for the completion of a transportation master plan in the amount of \$99,865. The voting was as follows:

YES: Smith, Sus, Vittum, Barden, Oakley, Pindell

NO: Harrell

Mayor Royce D. Pindell declared the motion passed 6 to 1.

3. Updates to Chapters 1 and 2 of the Bennett Municipal Code

Ordinance No. 731-21 – An Ordinance Amending Chapters 1 and 2 of the Bennett Municipal Code Regarding General Provisions and Administration and Personnel

Taeler Houlberg, Assistant to the Town Administrator, reported to the Trustees, The Bennett Municipal Code (Code) is a codification of all the ordinances for the Town of Bennett of a general and permanent nature. The Code provides an up-to-date codification that is organized, indexed and published for the use of the citizens and officers of the Town.

A full copy of the Code is published through Municipal Code Corporation (Municode) and can be found online as well as on the Town website and with the Clerk's Office.

As a part of the Clerk's Department Strategic Plan as well as direction from the Town Administrator and feedback from the Board, Town Staff will take an in depth look at the entire code during the next 18 months. Staff identified several outdated areas of the Code in need of update to align with current best practices, updates to state law and statute and modernization of the Code. To begin, Chapters 1 and 2 are the first to be reviewed, updated and brought to the Board for amendment.

Chapter 1 of the Code outlines general provisions including, but not limited to, meaning, scope, definitions, purpose, repeals, amendments, general penalty, violations, inspections and the seal of the Town of Bennett.

Chapter 2 of the Code outlines administration and personnel items including, but not limited to, elections, the Mayor and Board of Trustees, public meetings, ordinance approval and publication, Town officers and employees, public hearings, municipal court, police services, emergency protection, Town departments, fair housing, historic preservation, the Planning and Zoning Commission and the Board of Adjustment.

The recommended changes for Chapters 1 and 2 of the Code are attached as Ordinance 731-21 and were brought before the Board during Study Session on September 14, 2021.

Below is a description of the recommended changes to Chapters 1 and 2.

Chapter 1

Chapter 1 includes several cleanup items in the proposed updates. Those items include:

- Updating the name of the publishing company to Municode;

- Adding language that the Code can be found online;
- Removing unnecessary references and dates;
- Fixing grammatical issues; and
- Assigning responsibilities to specific Town officers.

Proposed changes in the definitions section of Chapter 1:

- Removal of the definitions for “sidewalk” and “street”— defined later in the Code in more relevant sections; and
- The addition of the terms “Town Administrator” and “Town Clerk” as those terms are used throughout the Code.

Other proposed updates in Chapter 1 include:

In Section 1-3-80, Staff is recommending the removal of language that requires an “examination” of the Code and updating that to an “acceptance” of the Code. The language is not legally required and the Town Attorney suggests removing it. This section will also specify that the digital copy of the Code, as it is amended and adopted, shall be accepted in courts of law, administrative tribunals and all other concerns. The digital copy of the Code is current, easy to access and efficiently updated.

In Section 1-3-100, related to copies of the Code, Staff recommends updating to include language specifying that a complete and certified copy of the Code can be found online free of charge and that physical copies of the Code may be purchased from the Town Clerk. The ability to purchase a copy of the Code is required by statute.

Chapter 2

Similar to Chapter 1, Chapter 2 has a number of recommended cleanup items including:

- Updating titles for more accuracy;
- Correcting or clarifying references;
- Fixing grammatical issues;
- Removing unnecessary or redundant language;
- Adding clarifying language;
- Outlining that meeting notices can be posted on the Town website;
- Updating expectations for copies of minutes to be a digital format; and
- Reassigning specific roles and responsibilities.

Other proposed updates in Chapter 2 include:

Section 2-3-60 recommendations associated with the order of business for Board of Trustee meetings. These changes reflect the current outline for regular meetings. The recommended changes are:

- Adding and describing the consent agenda;
- Updating the title “petitions and communications” to “public comment;”
- Removing the unfinished business item;
- Updating the title of “new business” to “regular business;” and
- Changing the order in the agenda for staff/officer reports.

- Section 2-5-70, recommends that a change be made to allow the Board of Trustees to assign Town Attorney duties to a Town Prosecutor should the need arise.
- Section 2-6-40 discusses the hearing body's right to preserve order during a hearing. Currently, language is included in this section that allows for the ejection of any disorderly or obstreperous person that is interfering with proceedings. The Town Attorney suggests that this language be removed to avoid constitutional concerns.
- Section 2-6-50 contains multiple recommended changes in regards to public hearings. First, Staff recommends that Section 2-6-50 titled "Deliberation and notice of decision" be removed in its entirety from the Code. This section currently allows the hearing body to deliberate upon issues presented at a hearing in a private, nonpublic session so long as the vote for the item is conducted in an open session and written copies of all decisions are provided to the parties involved. Upon consultation with the Town Attorney, Staff is recommending this section be removed and all deliberation be done in a public session.
- Section 2-6-80 requires that oaths be administered to all parties or witnesses during quasi-judicial hearings and Staff is recommending this language be removed. Removing this language will more accurately reflect how the Town currently conducts public hearings.
- Section 2-6-90 titled "Order of Procedure" is recommended to be deleted in its entirety. This section currently provides the procedural order by which all quasi-judicial hearings shall be conducted but is ultimately unnecessary and also restrictive. Staff and the Town Attorney recommend its removal.
- Section 2-6-120 proposes added language that allows the Planning and Zoning Commission to authorize its secretary to set a date, time and place for public hearings without necessitating action by the Planning and Zoning Commission itself.
- Article VII, the Bennett Municipal Court, Staff proposes changes including removing language that requires the Board of Trustees to appoint the Municipal Court Clerk and determine their salary, allowing sessions of Court to be canceled at the discretion of the Municipal Judge and Court Clerk and removing wording that requires the Court's Schedule of Fines and Penalties be attached as Appendix 2A to the Code. The current schedule of fines is available in the Clerk's Office and online at the Town website and no longer needs to be attached as an actual appendix to the Code.
- Article X titled "Town Departments" is recommended in its entirety to be deleted from the Code. Article X lists descriptions and responsibilities of specific Town Departments or employees including the water department, street department, Park Director, Building Inspector and Director of Environment. This section is no longer all-encompassing of the Town's departments and officers and thus no longer relevant to how the Town currently operates since its change to the council-manager form of government. The Town Attorney advised that Article X is not necessary and may be confusing. All department and staff responsibilities are outlined in the job descriptions associated with each Town officer position.

- Article XI titled "Fair Housing" is proposed to be deleted from the Code. Investigations on unfair housing practices are done at the State level through the Colorado Civil Rights Division so it is unnecessary to include these provisions at the municipal level.

Article XIII "Planning and Zoning Commission" contains several recommendations for changes including:

- Removing language that the abbreviated version of the Planning and Zoning Commission be "Planning Commission;"
- Allowing flexibility for the number of residents appointed to the Commission with five (5) becoming the minimum number instead of seven (7);
- Additional language also specifying there can be no more than seven (7) Commissioners and that a quorum shall consist of a majority of members;
- Removing the requirement that bylaws and rules of procedure for the Commission be approved by the Board of Trustees. This provision is not necessary per statute; and
- Incorporation of the Board of Adjustment (BOA) into the Commission's responsibilities. Over the past few years, the Town has experienced difficulty filling all of the vacant seats on both the Commission and the BOA. By having the Commission serve as both appointed bodies, the Town can fill vacancies more efficiently and more easily guarantee a quorum at meetings. The appointed members will act in the capacity of either the Commission or the BOA based on what has been referred for review. For example, when a variance is brought forward, the Commission will make a determination serving as the BOA; when a resolution for the recommendation of a final plat is brought forward, the Commission will make a determination serving as the Commission. The proposed language for these changes is listed in Section 2-13-100. If approved, the Commission will begin serving as the BOA on January 1, 2022, and Article XIV titled "Board of Adjustment" will be repealed in its entirety.

Section 2-2-100 of the Code outlines compensation for the Mayor and Board of Trustees. Likewise, Section 2-13-90 outlines compensation for the Planning and Zoning Commission. The current sections of the Code associated with compensation are provided below for reference.

Sec. 2-2-100. - Compensation.

- (a) Commencing with terms of office beginning after April 5, 2016, the Mayor and each member of the Board of Trustees shall be compensated in the amount of one hundred dollars (\$100.00) per month for the Mayor and fifty dollars (\$50.00) per month for each Trustee.
- (b) For terms of office beginning prior to April 5, 2016, the Mayor and each member of the Board of Trustees shall be compensated in the amount of forty-eight dollars (\$48.00) per month for the Mayor and twenty-five dollars (\$25.00) per month for each Trustee.

Sec. 2-13-90. - Compensation.

Members of the Planning and Zoning Commission shall be compensated in the amount of twenty-five dollars (\$25.00) per month.

Staff awaits direction from the Town Board on any recommended changes for these sections. If the Board chooses to update or change the compensation associated with the aforementioned

positions, a version of Ordinance 731-21 with changes to the compensation sections has also been included in the packet.

Should a change in compensation for the Board of Trustees be approved, those changes will commence with terms of office beginning after April 6, 2022 and April 3, 2024. Changes to the compensation for the Planning and Zoning Commission will begin on January 1, 2022.

TRUSTEE SUS MOVED, TRUSTEE OAKLEY SECONDED to approve Ordinance No. 731-21- An Ordinance amending Chapters 1 and 2 of the Bennett Municipal Code regarding general provisions and administration and personnel by increasing the compensation for the Trustees to \$200 per month, \$500 per month for Mayor, and \$100 per month for the Planning and Zoning Commission. The voting was as follows:

YES: Sus, Oakley, Pindell

NO: Vittum, Barden, Harrell, Smith

Mayor Royce D. Pindell declared the motion failed.

Mayor Royce D. Pindell called for a 5-minute recess at 8:43 p.m. The meeting resumed at 8:48 p.m.

TRUSTEE SMITH MOVED, TRUSTEE OAKLEY SECONDED to approve Ordinance No. 731-21- An Ordinance amending Chapters 1 and 2 of the Bennett Municipal Code regarding general provisions and administration and personnel by increasing the compensation for the Trustees to \$250 per month, \$500 per month for Mayor, and \$150 per month for the Planning and Zoning Commission. The voting was as follows:

YES: Harrell, Oakley, Pindell, Smith, Sus

NO: Vittum, Barden

Mayor Royce D. Pindell declared the motion passed 5 to 2.

4. Request for Qualification (RFQ) 21-009 – Town of Bennett Booster Station Pump

Robin Price, Public Works Director, report to the Board of Trustees, due to the condition of certain components, the inefficiency of Town owned booster stations has been identified and the Town has elected to upgrade and install pump, piping and housing for various sites. This includes, but is not limited to, the Old Town Hall Booster Station and the Converse Road Booster Station.

This project is unique because it combines three budgeted projects that include the Booster Station Upgrade, Converse Road Booster Station Upgrade and Well 3 and 7 Chlorination Disinfection System and Building Expansion. As a group, these items were sent to design engineers to provide pricing for engineered designs and consulting for completion of the projects. The costs from three different design firms exceeded the combined budget for the three projects. Due to the immense amount of system knowledge within the Town's utilities department, Staff determined that a request for qualifications (RFQ) approach was the best option for finding a contractor with the experience and knowledge to accomplish these projects while staying in the allotted budget.

An RFQ is a qualifications-based selection process. It is not a bid but a request for contractors to submit their qualifications to be considered for a project. By doing an RFQ instead of an RFP, the Town can stay within the allotted budget amount of \$390,000 for the overall project by determining the scope of work with the firm it ultimately chooses.

The Town issued RFQ 21-009 for a Construction Manager At Risk for the Town of Bennet Booster Station Pump Upgrades on August 16, 2021. Below is a summary of the responses received and the prior Town experience for each bidding entity.

The Town received the following qualified responses:

- **Dan's Custom Construction (DCC):** DCC has worked for the Town on several project including Cordella Lift Station, Converse Road Pump Station, Well 6 Pump Station and Reuse Load out Construction Water Stations.

DCC met all of the RFQ criteria for the proposed project and also met on site with Town Staff to provide recommendations on the approach they would take for the project.

- **J.R. Filanc Construction Company, Inc. (Filanc):** Filanc has worked for the Town on several projects including the Elevated Storage Tank and Well 6 Site Improvements

Filanc met all of the RFQ criteria and are currently working on The Town's Well 6 site improvements. Their average project size exceeds the scope of this project.

- **Glacier Construction Company, Inc.:** Glacier has not worked with the Town of Bennett directly but was involved in the TAYA Pilot project at the current waste water facility site.

Glacier met all of the RFQ criteria and met on site with Town Staff to provide recommendations on approach.

- **Stanek Constructors, Inc.:** The Town has not worked with Stanek and did not know the company besides the statement of qualifications the Town received.

Stanek met all of the RFQ criteria and their average project size exceeds the scope of this project.

After a thorough evaluation of all the contractors and their submitted bids, Staff believes all four companies that responded to the RFQ would be qualified to complete the Booster Station Pump Upgrades. Staff evaluated the contractors using a Statement of Qualification Score Sheet that scored the contractors for general information, experience, qualifications and overall ability to provide services.

Based on the evaluation of the four contractors, Staff believes awarding DCC the Construction Manager At Risk contract would be the best option for this project. DCC has the most system knowledge and has shown with previous projects their expertise on recommending the best value engineered approach.

TRUSTEE VITTUM MOVED, TRUSTEE SUS SECONDED, to authorize the Mayor and the Town of Bennett to enter into a Construction Manager At Risk contract with Dan's Custom Construction for the Booster Station Pump Upgrades with a guaranteed maximum price of \$390,000. The voting was as follows:

YES: Barden, Harrell, Oakley, Pindell, Smith, Sus, Vittum

NO: None

Mayor Royce D. Pindell declared the motion passed unanimously.

5. Board of Trustees: Organization and Committee Assignments

Royce D. Pindell, Mayor, led the discussion of the organization and committee assignments. The assignments are as follows:

Adams County Mayors/Managers Breakfast

- Mayor Royce D. Pindell
- Trish Stiles, Town Administrator

Alternate;

- Mayor Pro Tem Harrell
- Trustee Kevin Barden

Arapahoe County Mayors/Managers Breakfast;

- Mayor Royce D. Pindell
- Trish Stiles, Town Administrator

Alternate;

- Mayor Pro Tem Harrell

Regional Economic Advancement Partnership (REAP);

- Trustee Donna Sus

Alternate;

- Steve Hebert, Planning & Economic Development Manager
- Trustee Whitney Oakley

I-70 Corridor Chamber of Commerce

- Trustee Whitney Oakley

Alternate;

- Lynette White, Economic Development Coordinator

Denver Regional Council of Governments (DRCOG)

- Trustee Larry Vittum

Alternate;

- Mayor Royce D. Pindell
- Steve Hebert, Planning and Economic Development Manager

Aurora Chamber of Commerce

- Lynette White, Economic Development Coordinator

Alternate;

- Trustee Donna Sus

Colorado Municipal League (CML)

- Mayor Royce D. Pindell

Alternate;

- Trish Stiles, Town Administrator

Water Committee

- Charles Bayley
- Martin Metsker

Mosquito Committee

- Robin Price, Public Works Director

Economic Development Committee (Bennett Advisory Committee)

- Mayor Royce D. Pindell
- Trustee Whitney Oakley

Alternate;

- Steve Hebert, Planning & Economic Development Manager
- Lynette White, Economic Development Coordinator

Sales Tax Oversight Committee (Streets)

- Trustee Donna Sus
- Trustee Denice Smith

Bennett Gives Back Grant Committee

- Mayor Royce D. Pindell
- Trustee Denice Smith

6. TOWN ADMINISTRATOR REPORT

Trish Stiles, Town Administrator, reported on the following:

- Bennett Days Parade Winners;
 - First Place – Bennett School Parent/Teacher/Student Association (PTSA)
 - Second Place – Big Iron Ranch
 - Third Place – Home and Land Realty
- Holiday help family sponsorship and Senior wishes nomination forms will be available on the Town website.
- 1st draft of Budget will be presented to the Board during the October 12, 2021 study session.
- Stephanie Halmes, Town Account, submitted her resignation. Staff will be seeking a new Town Account. Ms. Halmes will be retained on contract until the end of 2021.
- Out of office on September 29th.
- Health and wellness staff event on September 30th.
- Staff attending ICMA the week of October 4th are Trish Stiles, Rachel Summers, Danette Ruvalcaba and Steve Hebert.
- Taking vacation from October 14th – October 23rd.

7. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Denice Smith

Trustee Smith reported on the following;

- Inquired about the Town of Bennett fee structure.

Larry Vittum

Trustee Vittum reported on the following;

- Attended DRCOG on September 15, 2021.

Whitney Oakley

Trustee Oakley reported on the following;

- The I-70 Corridor Chamber of Commerce will be holding their annual elections in November.


8. ADJOURNMENT


TRUSTEE SUS MOVED, TRUSTEE SMITH SECONDED to adjourn the meeting. The meeting was adjourned at 9:50 p.m. Voting was as follows:

YES: Smith, Sus, Vittum, Barden, Harrell, Oakley, Pindell

NO: None

Mayor Royce D. Pindell declared the motion carried by unanimous vote.

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Taeler Houlberg, Clerk Pro Tem

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Royce D. Pindell, Mayor